

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**NASHVILLE UNDERGROUND, LLC.**

**Plaintiff,**

**VS.**

**No.: 3:20-cv-00426  
JURY DEMANDED**

**AMCO INSURANCE COMPANY,**

**Defendant.**

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**DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR  
PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS TO  
PLAINTIFF**

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Pursuant to Rules 26, 33, 34 and 36 of the Federal Rules of Civil Procedure, you are hereby required to serve upon the undersigned your sworn written answers to the following interrogatories, requests for production of documents, and requests for admissions:

**I. INTERROGATORIES**

**INTERROGATORY NO. 1:** Please identify each and every person who has aided in the preparation of your responses to these interrogatories and requests for production of documents, and for each such person identify his or her title, and present residence address.

**ANSWER:**

**INTERROGATORY NO. 2:** Pursuant to Tennessee Rule of Civil Procedure 26, state the identity and location, if known, and if not known, the last known address or location, of all persons having knowledge of any relevant facts pertaining to the matters

and issues in this action. Do you have statements from any of the persons identified? If so, please state the names of those persons from whom you have statements and by whom and when they were taken.

**ANSWER:**

**INTERROGATORY NO. 3:** Please identify any and all documents and or things related in any way to the facts and circumstances surrounding the incident described in the Complaint, or the issues to be litigated in this cause, whether or not you or your attorney intend to produce or rely upon these documents and things at the trial of this cause. For each such document or thing identified, please provide a specific description and the current location and/or custodian of the document or thing. Also, please produce a copy of any document or thing identified in response to this interrogatory.

**ANSWER:**

**INTERROGATORY NO. 4:** Please state whether you have ever been engaged as either a Plaintiff or Defendant in any other civil litigation. If so, state the following:

- a. The style of each such lawsuit, including the Court in which it was filed, the docket number thereof, and the date of filing if known;
- b. The nature and outcome of the lawsuit;
- c. The date on which judgment was rendered of the case was dismissed;
- d. The name, address and telephone number of all attorneys of record, indicating as to each the party or parties represented.

**ANSWER:**

**INTERROGATORY NO. 5:** Please state the name, address, telephone number, and current place of employment of each and every person from whom a statement has been taken by you or anyone acting on your behalf regarding the allegations contained in the Plaintiffs' Complaint. For each such person, state the date the statement was taken,

by whom it was taken, whether the person gave an oral, written, or recorded statement, and the location of such written or recorded statement.

**ANSWER:**

**INTERROGATORY NO. 6:** If you claim that the Defendant has made any verbal or written statement, assertion, admission, omission, commission or disclosure supporting any claim made by you in any pleading filed in this lawsuit, as to each statement, assertion, admission, omission, commission or disclosure, please identify the person or persons to whom and in whose presence such statement, assertion, admission, omission, commission or disclosure was made, and state the complete substance of the statement, assertion, admission, omission, commission or disclosure.

**ANSWER:**

**INTERROGATORY NO. 7:** List, identify by name, title, location, and describe each tangible item, document, record, photograph, exhibit, statute, ordinance, protocol, standard, or code that you plan to rely on at the trial of this matter, whether or not you plan to introduce the same into evidence, and furnish the name and present address of each person known to have custody of each item, document, record, photograph, statute, ordinance, protocol, standard, or code.

**ANSWER:**

**INTERROGATORY NO. 8:** Please give a detailed itemization of all damages and expenses claimed by you.

**ANSWER:**

**INTERROGATORY NO. 9:** Please identify each and every fact, with specificity, supporting your claimed damages. This shall include identification of any and all

documents supporting these allegations, any and all instances of communication supporting these allegations, any and all eyewitness testimony supporting these allegations, as well as any and all other facts or items which you contend support these allegations in any manner whatsoever.

**ANSWER:**

**INTERROGATORY NO. 10:** Please list and describe every correspondence or communication between you and any governmental official or agent relating to your business from February 1, 2020 to present, specifically identifying the date, time, location, substance, and participants in such correspondence or communication.

**ANSWER:**

**INTERROGATORY NO. 11:** Please identify every employee who has worked at the business which is the subject of this claim and suit at any time between March 17, 2020 and present, including his/her all-inclusive dates of employment, title and job description, and current residential address.

**ANSWER:**

**INTERROGATORY NO. 12:** Please identify every accountant that has performed accounting or financial services for Nashville Underground, LLC at any time between January 1, 2012 and present.

**ANSWER:**

**INTERROGATORY NO. 13:** Please identify the dollar amount of Business Income that you contend to have lost between March 17, 2020 and the present which you claim is owed under the Policy, as well as every document that you contend supports your response to this Interrogatory.

**ANSWER:**

**INTERROGATORY NO. 14:** Please identify the net income for each month from January 2018 to current for:

- (i) The nightclub component of your business;
- (ii) The restaurant component of your business;
- (iii) The bar component of your business;
- (iv) The live music component of your business; and
- (v) Any other component of your business, if any, at the premises.

**INTERROGATORY NO. 15:** Please identify the number of floors at the insured premises and describe – separately and individually for each floor – your use of the floor, including but not limited to whether any component of your business operates on that floor.

**ANSWER:**

**INTERROGATORY NO. 16:** Identify each member of Nashville Underground, LLC and the city and state where he/she resides.

**ANSWER:**

**INTERROGATORY NO. 17:** If your response to Request for Admission No. 1 was anything other than “admitted” please provide all factual basis for your response including identifying documents that support those factual bases.

**ANSWER:**

**INTERROGATORY NO. 18:** If your response to Request for Admission No. 2 was anything other than “admitted” please provide all factual basis for your response including identifying documents that support those factual bases.

**ANSWER:**

**INTERROGATORY NO. 19:** If your response to Request for Admission No. 3 was anything other than “admitted” please provide all factual basis for your response including identifying documents that support those factual bases.

**ANSWER:**

**INTERROGATORY NO. 20:** If your response to Request for Admission No. 4 was anything other than “admitted” please provide all factual basis for your response including identifying documents that support those factual bases.

**ANSWER:**

**INTERROGATORY NO. 21:** Please list all employees who have tested positive for COVID-19 since March 1, 2020 to present. For each such employee, please state with specificity the actions taken by you upon notice of the positive test.

**ANSWER:**

ANSWERED BY:

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Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public

My commission expires:\_\_\_\_\_.

## **II. REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** Please produce a copy of any and all documents you have reviewed or referred to in order to answer Defendant's First Set of Interrogatories.

**RESPONSE:**

**REQUEST NO. 2:** Please produce a copy of any written or recorded statements of person you claim to have knowledge of the facts or circumstances involved in the present litigation, or anyone you contend was acting on your behalf.

**RESPONSE:**

**REQUEST NO. 3:** Please produce a copy of any and all oral or written statements or affidavits of any witnesses or individuals concerning any of the issues alleged in the Complaint.

**RESPONSE:**

**REQUEST NO. 4:** Please produce any video tape, audio tape, or other similar recordings related in any way to Plaintiff's insurance claims or this litigation.

**RESPONSE:**

**REQUEST NO. 5:** Please produce any and all documents in your possession related to the Plaintiff's insurance claim, including but not limited to written reports, photographs, statements, summaries, or any other document relative to the Plaintiffs' insurance claim in any way whatsoever.

**RESPONSE:**

**REQUEST NO. 6:** Please produce any and all documents evidencing communications between you and any governmental official or agent that relate in any way to the insurance claim at issue in this lawsuit.

**RESPONSE:**

**REQUEST NO. 7:** Please produce copies of your financial statements, including balance sheets, income statements, profit and loss statements, general ledgers, etc., for the period of January 1, 2015 through December 31, 2018, separately and individually for:

- a. The nightclub component of your business;
- b. The restaurant component of your business;
- c. The bar component of your business;
- d. The live music component of your business;
- e. Each other component of your business, if any.

**RESPONSE:**

**REQUEST NO. 8:** Please produce copies of your financial statements, including balance sheets, income statements, monthly profit and loss statements, general ledgers, etc., for the period January 1, 2019 through March 16, 2020, for each component of your business identified in Request for Production No. 6.

**RESPONSE:**

**REQUEST NO. 9:** Please produce copies of your financial statements, including balance sheets, income statements, monthly profit and loss statements, general ledgers, etc., for the period of March 16, 2020 through the present for each component of your business identified in Request for Production No. 6.

**RESPONSE:**

**REQUEST NO. 10:** Please produce your state and federal tax returns, with all supporting schedules, from 2015 to present.

**RESPONSE:**

**REQUEST NO. 11:** Please produce all documents that establish the total dollar amount of lost business income you claim to have sustained to date and which you are claiming as damages in this lawsuit.

**RESPONSE:**

**REQUEST NO. 12:** Please produce all documents that you contend establish the dollar amount of “Business Income” that you claim to have lost (as alleged in the Petition’s Count II, paragraph 4) to date and which you claim is owed under the Policy.

**RESPONSE:**

**REQUEST NO. 13:** For each component of damages you are seeking in this lawsuit, please produce – separately for each component – all documents which you contend establish those damages and the dollar amount being claimed.

**RESPONSE:**

**REQUEST NO. 14:** To the extent not already produced in response to these Requests for Production of Documents, produce all documents that support your claims against Defendant in this lawsuit.

**RESPONSE:**

**REQUEST NO. 15:** Produce a copy of every document and communication identified in your responses to the Interrogatories that were served together with these Requests for Production of Documents.

**RESPONSE:**

**REQUEST NO. 16:** If your response to Request for Admission No. 1 is anything other than “admitted” please produce all documents that support the basis for that

response.

**RESPONSE:**

**REQUEST NO. 17:** If your response to Request for Admission No. 2 is anything other than “admitted” please produce all documents that support the basis for that response.

**RESPONSE:**

**REQUEST NO. 18:** If your response to Request for Admission No. 3 is anything other than “admitted” please produce all documents that support the basis for that response.

**RESPONSE:**

**REQUEST NO. 19:** If your response to Request for Admission No. 4 is anything other than “admitted” please produce all documents that support the basis for that response.

**RESPONSE:**

### **III. REQUESTS FOR ADMISSIONS**

**REQUEST TO ADMIT 1:** Admit that as of March 17, 2020 there was no food poisoning or food-related illness arising out of contaminated food at the insured premises.

**RESPONSE:**

**REQUEST TO ADMIT 2:** Admit that at no point prior to March 17, 2020 was the food at the insured premises contaminated by the virus associated with COVID-19.

**RESPONSE:**

**REQUEST TO ADMIT 3:** Admit that at no point prior to March 17, 2020 did any of your employees contaminate food at the insured premises with the virus associated with COVID-19.

**RESPONSE:**

**REQUEST TO ADMIT 4:** Admit that at no point since March 1, 2020 has any governmental authority ordered your business to close as a result of food contamination.

**RESPONSE:**

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/Russell E. Reviere  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to

Kirk Clements  
Attorney for plaintiff  
105 Broadway, Suite 2  
Nashville, TN 37201  
[kirk@kirkclemmentslaw.com](mailto:kirk@kirkclemmentslaw.com)

counselor of record for Plaintiff, and by electronic means via the Court's electronic filing system.

This the 30<sup>th</sup> day of October, 2020.

/Russell E. Reviere